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JUL 12 2005

In re Application of  
Cottard et al.

**OFFICE OF PETITIONS**

Application No. 10/688,958

Filed: October 21, 2003

For: OXIDATION DYEING COMPOSITION FOR KERATIN FIBERS COMPRISING A CATIONIC POLY(VINYLLACTAM) AND AT LEAST ONE OXIDATION DYE IN THE FORM OF A SULPHATE ION

Attorney Docket No: 06028.0029-00000

Pub. No.: US 2004/0133993 A1

Pub. Date: July 15, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on September 15, 2004, for the above-identified application.

The request is granted-in-part.

The corrected patent application publication will be published in due course and will only include corrections for errors made by the Office.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The errors in the chemical formula, which are labelled #1 and # 4 will be corrected as requested.

The instant request also includes a mistake that is not the fault of the Office, which will not be corrected by a corrected publication by the Office.

The alleged errors with respect to the text of paragraphs [0123] and [0124], which are labeled as #2 will not be corrected as requested, as the application was published as filed.

The alleged error with respect to not publishing the text of page 50, which is labeled #3 will not be corrected as requested, as page 50 is missing from the application papers as filed.

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

Applicant may file a petition with evidence that page 50 was received by the Office on the filing date of the application. Applicant is given a one month time period to request reconsideration of this decision.

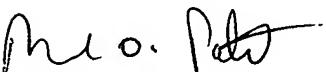
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
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By facsimile: 703-872-9306 or after July 15, 2005, 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice)

  
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For Patent Examination Policy